

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. CLAUDIA C. CONNER,

Plaintiff,

vs.

Case No. CIV-22-1095-JD

1. THE STATE OF OKLAHOMA d/b/a
OKLAHOMA EMPLOYMENT
SECURITY COMMISSION,

Defendant.

NOTICE OF REMOVAL

TO: THE CLERK OF THE ABOVE-TITLED COURT AND ALL PARTIES:

PLEASE TAKE NOTICE that Defendant State of Oklahoma d/b/a Oklahoma Employment Security Commission (“OESC” or “Defendant”) removes this action from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma under 28 U.S.C. §§ 1331 and 1441(a). OESC removes this case on the grounds that this Court has original jurisdiction over the claims involving a federal question. OESC’s Notice of Removal is based upon and supported by the following:

BACKGROUND

1. On November 21, 2022, Plaintiff Claudia C. Conner (“Plaintiff”) filed this civil action against OESC in the District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2022-5699 (the “State Court Action”). In the Petition, Plaintiff alleges age discrimination, gender discrimination, and retaliation.

2. From the Return of Service, Plaintiff alleges that she attempted to serve OESC on November 30, 2022, but the document is not signed. Return of Service, attached as Exhibit 1. Internal records, however, show service on OESC on December 5, 2022.

3. This Notice of Removal is timely filed because it is filed within 30 days of service of the Petition. 28 U.S.C. § 1446(b)(2)(B).

4. Removal to this Court is appropriate because the Petition is pending in the District Court of Oklahoma County, State of Oklahoma, which is located in this Court's jurisdiction. *See* 28 U.S.C. §§ 116(c), 1441(a).

GROUND FOR REMOVAL

5. The Court has original jurisdiction over the State Court Action under 28 U.S.C. § 1331 because Plaintiff's causes of action arise under federal law—specifically, the Age Discrimination in Employment Act (“ADEA”) of 1967, 29 U.S.C. §§ 621–34; Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e through 2000e-17; and Title VII for the retaliation claim, 42 U.S.C. § 2000e-3. Any one of these claims “arises” under the laws of the United States thus providing this Court federal question jurisdiction. OESC recognizes that Plaintiff fails explicitly to state the statutes on which she relies in the Petition; however, Plaintiff also alleges that she filed a “charge of discrimination alleging discrimination based on age and gender and retaliation for reporting sexually inappropriate behavior. This filing was made with the Equal Employment Opportunity Commission [(“EEOC”)].” Pet. ¶ 15, attached as Exhibit 2. Her reason for making that filing with the EEOC is because the EEOC “is empowered . . . to prevent any person from engaging in any unlawful employment practice as set forth in section 2000e-

2 or 2000e-3" 42 U.S.C. § 2000e-5(a).

6. In addition, to the extent that Plaintiff alleges similar claims under the Oklahoma Anti-Discrimination Act ("OADA"), Okla. Stat. tit. 25, §§ 1101–1706, the Court has supplemental jurisdiction over those claims. *See* 28 U.S.C. 1337(a).

7. Therefore, the State Court Action may be removed to this Court by OESC under 28 U.S.C. § 1441(a).

NOTICES PROVIDED TO PLAINTIFF AND TO STATE COURT

8. Under 28 U.S.C. § 1446(a) and LCvR81.2, the docket sheet and a true and correct copy of all process, pleadings, and orders served upon OESC in the State Court Action are attached. *See* Ex. 1; Ex. 2; State Court Docket Sheet, attached as Exhibit 3; Entry of Appearance for Amber Hurst, attached as Exhibit 4; Entry of Appearance for Mark Hammons, attached as Exhibit 5.

9. In accordance with 28 U.S.C. § 1446(d), OESC is promptly filing a separate notice (with a copy of this Notice of Removal attached to it) with the Oklahoma County Court Clerk—the court in which Plaintiff commenced this action and where it is pending at the time this Notice of Removal is filed with this Court. That filing will be done in the case entitled *Claudia Conner v. The State of Oklahoma d/b/a Oklahoma Employment Security Commission*, District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2022-5699. OESC will promptly serve on Plaintiff the notice with a copy of the Notice of Removal attached. State Court Notice, attached as Exhibit 6.

CONCLUSION

10. By this Notice of Removal, OESC does not waive any objections that it may

have as to improper service, jurisdiction (including, but not limited to, sovereign immunity), venue, or any other defenses to this action. OESC also does not waive any immunity from suit or from liability that it would otherwise possess, *see, e.g., Trant v. Oklahoma*, 754 F.3d 1158, 1172 (10th Cir. 2014), or any other immunity provided by state or federal law, including, but not limited to, The Oklahoma Governmental Tort Claims Act, Okla. Stat. tit. 51, §§ 151–172. OESC intends no admission of fact, law, or liability by this Notice of Removal, and it reserves all defenses, motions, and pleas. OESC requests that this action be removed to this Court for final determination, that all further proceedings in the State Court Action be stayed, and that OESC obtain all additional relief to which it is entitled.

OESC respectfully removes the above-captioned action now pending against it in the District Court of Oklahoma County, State of Oklahoma, to this Court.

DATED: December 27, 2022.

Respectfully submitted,

/s/ Justin P. Grose

Justin P. Grose, OBA #31073

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December 2022, I electronically transmitted the foregoing to the Clerk of Court using the ECF system for electronic filing. The Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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